



2300 Lake Elmo Drive
Billings, MT 59105

NOTICE OF DECISION

May 11, 2001

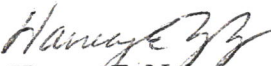
TO: Environmental Quality Council
Director's Office, Dept. of Environmental Quality
FWP Commissioners
Montana Fish, Wildlife & Parks
 Director's Office
 Parks Division
 Fisheries Division
 Wildlife Division
Lands Section
Design & Construction
Legal Unit
Regional Supervisors
Montana Historical Society, State Preservation Office
Janet Ellis, Montana Audubon Council
Montana Wildlife Federation
Montana State Library
George Ochenski
Montana Environmental Information Center
Wayne Hirst, Montana State Parks Foundation
Montana Parks Association
Don Kendall, DNRC Area Manager, Southern Land Office
Fishing Outfitters Association of Montana (FOAM)
Magic City Flyfishers
Beartooth Ranger District
Red Lodge Rod & Gun Club

Ladies and Gentlemen:

Based upon the alternatives considered in the Environmental Assessment of May 1999, and no response to a second opportunity for public comment ending April 26, 2001 offered via the attached legal notice, the Department has decided to dispose of 0.677 acres of Beaver Lodge Fishing Access Site.

Thank you for your interest and involvement.

Sincerely,


Harvey E. Nyberg
Regional Supervisor

Enclosures

Carbone

FROM: Diane Tipton
Montana Fish, Wildlife & Parks
1420 East Sixth Ave.
P.O. Box 200701, Helena, MT 59620-0701

Billings Gazette

Attn: Klrinda Mathews
P: 657-1331
F: 657-1345
Deadline: Six days in advance

Helena Independent Record

Attn: Shirley Gorsage/Legals
P: 447-4024
F: 447-4052
Deadline: Six days in advance

Carbon County News

Shelley Beaumont or Shelly
P.O. Box 970
Red Lodge, MT 59068
Email: news@carboncountynews.com
406-446-2222
Deadline:

Please run the attached Legal Advertisement as a Legal Display Ad for three consecutive insertions on the following Sunday schedule:

March 25

April 1

April 8

The Carbon County News will run for three consecutive Thursday's: March 22, March 29 and April 5.

PLEASE CONFIRM BY PHONE (406-444-3079) THAT YOU RECEIVED THE ADVERTISING COPY AND INSERTION SCHEDULE. I WOULD ALSO LIKE TO RECEIVE BY FAX (406-444-4952) or by email (dtipton@state.mt.us) A PROOF COPY OF THE ADVERTISEMENT.

Please bill: Montana Fish, Wildlife & Parks, P O Box 200701, Helena, MT 59620-0701
Attn: Land Section

PUBLIC NOTICE AND INVITATION TO BID

Montana Fish, Wildlife & Parks (FWP) is seeking public comment on a proposed land disposal involving a portion of the **Beaver Lodge Fishing Access Area** (FAA) approximately five miles north of Red Lodge, MT, along Rock Creek. FWP proposes to dispose of 0.6777 acres of the Beaver Lodge FAA. The Beaver Lodge parcel of land is legally described as Tract 6 of Certificate of Survey No.157 located in Section 35: Township 6 South, Range 20 East, Carbon County, Montana. The tract is 30' wide x 981' long. Beaver Lodge FAA was purchased in 1960 as part of Federal Aid in Sport Fish Restoration project F-22-L.

The proposed land disposal differs from FWP's 1999 proposal. At that time, FWP proposed to exchange the subject Beaver Lodge property for approximately one acre of additional land to expand the 2.14-acre Black Diamond Fishing Access Site, also located on Rock Creek approximately 15 miles north of Beaver Lodge. A Draft Environmental Assessment (EA) was prepared in May 1999 for the proposed land exchange to be accomplished through disposal of Beaver Lodge and acquiring Black Diamond, in compliance with MEPA/NEPA and House Bill 495 guidelines. FWP published legal notices of the proposed action in the Billings Gazette, Carbon County News, and Helena Independent Record on June 9 and 16, 1999.

FWP held a public meeting on the exchange proposal at the Joliet Community Center, Joliet, MT, on Tuesday, June 15, 1999. In addition, the Montana Fish, Wildlife & Parks Commission discussed the proposal on three occasions during meetings on February 21, 1999, September 8, 1999, and November 12, 1999. Interested persons commented on the proposal during the meeting in Joliet and during the Commission meetings. Most of the people who commented supported fishing access along Rock Creek. There was some opposition to the proposal to expand the Black Diamond site. No opposition was expressed regarding disposal of Beaver Lodge.

The preferred alternative (B) described in the 1999 draft EA is no longer an option (land exchange of Beaver Lodge land for additional land at Black Diamond). Taking no action (Alternative A) continues to not be a viable option. Because of the public opposition voiced in 1999 to the land exchange, FWP has determined that Alternative C in the draft EA (sell the Beaver Lodge tract through a public bidding process) is now the most viable and preferred alternative

Because FWP has changed the proposed action and at this time proposes only to dispose of 0.677 acres at Beaver Lodge, another opportunity for public comment is hereby offered through publication of this notice. If you have comments or questions about the proposed land disposal, please contact Jim Darling, Fisheries Manager, Montana Fish, Wildlife & Parks, Region 5 Headquarters, 2300 Lake Elmo Drive, Billings MT 59105; phone (406) 247-2961, on or before April 26, 2001.

Notice is hereby given that bids will be received by FWP prior to May 29, 2001 for the purchase of the following real estate:

Township 6 South, Range 20 East

Section 35: Tract 6 of Certificate of Survey No. 157 recorded in Carbon County, Montana, containing approximately .6777 acres

Prospective bidders should be aware that the sale is being made to consolidate property lines, that the tract being sold is not of a convenient shape, has no legal access, and that there are existing encroachments on the property. Responsibility for subdivision and surveying approvals necessary to legally transfer title to the property will be the responsibility of the successful bidder.

The minimum acceptable bid for the tract is \$3600.00. Bid forms explaining the terms and conditions of sale can be obtained from the Land Section of the Montana Fish, Wildlife & Parks, 1420 East 6th Avenue, PO Box 200701, Helena, MT 59620-0701; phone (406) 444-4042.

Bid forms must be presented to and received by the Director, Montana Fish, Wildlife & Parks, 1420 East 6th Avenue, PO Box 200701, Helena, MT 59620-0701, prior to May 29, 2001. Only bid forms provided by the Department will be accepted. Bids submitted must be identified with the words "Real Estate Bid" as well as the time and date of bid opening. Written bids will be opened at 1:00 PM, May 29, 2001, after which time revisions to the amounts initially bid will be accepted orally until final bids are received prior to 3 PM, May 29, 2001. A cashier's check or cash deposit in an amount equal to 10% of the amount bid must accompany each bid. The highest bid shall be accepted upon payment of the balance due within 10 days after mailing notice to the highest bidder. Deposits shall be returned to unsuccessful bidders. The Department reserves the right to reject any and all bids.

By order of the Director, Montana Fish, Wildlife & Parks
M. Jeff Hagener, Director